

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

CONSTRUCTION WORKERS PENSION )  
TRUST FUND OF LAKE COUNTY )  
AND VICINITY, )  
 )  
Plaintiff, )  
 )  
v. ) 2:20-CV-331-PPS-APR  
 )  
INDIANA EARTH, Inc., )  
 )  
Defendant. )

**ORDER**

Plaintiff, Construction Workers Pension Trust Fund of Lake County and Vicinity, filed a Voluntary Dismissal Without Prejudice [DE 5]. The opposing party has not yet served either an answer or a motion for summary judgment. Pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(A)(i), the Voluntary Dismissal [DE 5] is **GRANTED**.

The Clerk is **ORDERED** to **DISMISS THIS COMPLAINT IN ITS ENTIRETY WITHOUT PREJUDICE**. The Clerk is further ORDERED to CLOSE this case.

SO ORDERED.

ENTERED: September 18, 2020.

s/ Philip P. Simon  
PHILIP P. SIMON, JUDGE  
UNITED STATES DISTRICT COURT